

Message Text

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44

ACTION EB-07

INFO OCT-01 AF-06 ARA-06 EUR-12 EA-07 ISO-00 IO-10 CIAE-00

COME-00 DODE-00 DOTE-00 FMC-01 INR-07 NSAE-00 CG-00

OFA-01 DLOS-04 PM-04 H-02 L-03 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 STR-04 FTC-01 TRSE-00 /106 W

----- 060840

R 250911Z AUG 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 6823

INFO AMEMBASSY ATHENS

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY MONROVIA

AMEMBASSY OSLO

AMEMBASSY PANAMA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY TOKYO

AMEMBASSY STOCKHOLM

AMEMBASSY HELSINKI

USMISSION EC BRUSSELS

USMISSION OECD PARIS

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E.O. 11652: N/A

TAGS: EWWT, RPT

SUBJECT: SHIPPING: PHILIPPINE DISCRIMINATION, PRESIDENTIAL

DECREE 667: FORMAL FMC REQUEST TO DEPARTMENT OF STATE

REF: (A) STATE 200337; (B) STATE 194250

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1. WE ARE CONCERNED WITH THE TENOR IN STATE 200337 AND THE IMPLICATION THAT THE FMC IS NOW INTERESTED ONLY IN RETALIATION AGAINST PD 667 RATHER THAN IN SEEKING THE DECREE'S REPEAL OR WITHDRAWAL. IT HAS BEEN OUR UNDERSTANDING THAT THE FMC WOULD PUBLISH THE REGULATION BUT WOULD PERMIT INTERESTED PARTIES AN OPPORTUNITY OF "A FEW WEEKS" TO COMMENT. (SEE STATE 162291 OF JULY 10 AND STATE 102431 OF MAY 2.)

2. BASED ON THESE TELEGRAMS AND ALSO ON DUE PROCESS IN FEDERAL RULE MAKING OF WHICH GOP OFFICIALS ARE WELL AWARE, WE HAVE TOLD GOP OFFICIALS THAT FMC PUBLICATION WOULD BE FOLLOWED BY OPPORTUNITY FOR INTERESTED PARTIES TO BE HEARD. NOW WE ARE TOLD THAT FMC REGULATION WOULD BE EFFECTIVE UPON PUBLICATION. WE ARE ALREADY ON FAIRLY WEAK GROUND IN PROCEEDING TO RETALIATE FOR A FUTURE WRONG, SINCE PD 667 CANNOT BE EFFECTIVELY IMPLEMENTED UNTIL NEXT YEAR AND GOP HAS TOLD US IT WOULD NOT BE IMPLEMENTED. ALSO, WE COMPOUND OUR WEAKNESS BY NOT FOLLOWING DUE PROCESS, AND INDEED THIS DEFECT MAY IMPAIR EFFICACY OF RULE ITSELF.

3. OUR OBJECTIVE IS TO HAVE PD 667 REPEALED, AND NOT TO RETALIATE FOR THE SAKE OF RETALIATION. IF WE ARE INTERESTED IN CREATING A DETERRENT OR STRIKING A BLOW AGAINST FLAG DISCRIMINATION OF THIS SORT, PUBLICATION OF PROPOSED RULE ITSELF IS AN ADEQUATE STEP. ACCORDINGLY, WE ASK DEPARTMENT TO CLARIFY CHANGE IN GROUND RULES WITH FMC AND RE-CONFIRM THAT INTERESTED PARTIES WILL BE GIVEN OPPORTUNITY TO COMMENT AFTER PUBLICATION RESPECTABLY AHEAD OF IMPLEMENTING FMC REGULATION.

4. IN MEANTIME, WE HAVE INFORMED DFA ASSISTANT SECRETARY BARRERA BY LETTER WITH SEPARATE LETTER TO SECRETARY OF TRADE QUIAZON BOTH DATED AUGUST 18 PURSUANT TO INSTRUCTIONS IN STATE 194250 THAT FMC PREPARED TO PUBLISH SECTION 19 ACTION ON OCTOBER 12. BARRERA HAD NO OFFICIAL COMMENT BUT STATED HE WOULD REFER LIMITED OFFICIAL USE

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LETTER TO SHIPPING CUNCIL. ECON/COMMERCIAL COUNSELOR IS SEEKING APPOINTMENT THIS WEEK WITH QUIAZON WHO RETURNED FROM TRIP ABROAD LAST WEEK.

5. WOULD APPRECIATE PRIORITY REPLY TO POINT RAISED IN PARA 3. SULLIVAN

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
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Control Number: n/a
Copy: SINGLE
Draft Date: 25 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
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Handling Restrictions: n/a
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ISecure: 1
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Review Event:
Review Exemptions: n/a
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Margaret P. Grafeld
Declassified/Released
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EO Systematic Review
06 JUL 2006

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Review Withdrawn Fields: n/a
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Status: NATIVE
Subject: SHIPPING: PHILIPPINE DISCRIMINATION, PRESIDENTIAL DECREE 667: FORMAL FMC REQUEST TO DEPARTMENT OF STATE
TAGS: EWWT, RP, US, FMC
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006